

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Paul Andrew Kinchloe v Department of Corrections**  
Docket No. **261206**  
L.C. No. **04-023546-AH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The motion to waive fees is DENIED as moot since plaintiff paid the \$375 entry fee.

The complaint for a writ of habeas corpus is DISMISSED as plaintiff is attempting to use the action for the extraordinary writ as a substitute for an appeal. *Cross v Dep't of Corrections*, 103 Mich App 409, 414-415; 303 NW2d 218 (1981).

The motion to amend language of radical jurisdictional defect to radical defect is DENIED as the above determination has rendered it moot.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 22 2005

Date

*Sandra Schultz Mengel*  
Chief Clerk